
(2013) 10 SHI CK 0042
In the High Court Of Himachal Pradesh
Case No : CWP No. 8084 of 2013

Raj Krishan

APPELLANT

Vs

State of H.P. and Others

RESPONDENT

Date of Decision : 04-10-2013

Acts Referred:

Citation : (2013) 10 SHI CK 0042

Hon'ble Judges : Sanjay Karol, J;Rajiv Sharma, J

Bench : Division Bench

Advocate : Tarun K. Sharma, for the Appellant; Sharwan Dogra, Advocate General and Mr. R.S. Verma, Additional Advocate General and Mr. R.M. Bisht, D.A.G. for Respondents No. 1 and 2, for the Respondent

Final Decision : Dismissed

Judgement

Sanjay Karol, J.—Petitioner has prayed mainly for following reliefs:-

A). Issue a writ of certiorari or any other appropriate writ or directions quashing the impugned orders dated 27-09-2013 (Annexure P-6) & 17-05-2013 (Annexure P-2).

B. That writ in the nature of mandamus may kindly be also issued and the respondents may kindly be directed to allow the present petitioner to continue at present place of posting i.e. Municipal Council Hamirpur, District Hamirpur, H.P.

Vide order dated 17th May, 2013 (Annexure P-2) petitioner Raj Krishan, who is working as an Executive Officer in Municipal Council stands transferred from Municipal Council Hamirpur to Municipal Council, Kangra vice Shri Kishori Lal Thakur, respondent No. 4.

2. In terms of very same order, Shri Vijay Kumar, private respondent No. 3, was also transferred and brought in place of the present petitioner. Aggrieved thereof, Sh. Vijay Kumar filed a petition (CWP No. 6435 of 2013) which was disposed of by this Court vide judgment dated 24.9.2013. Shri Kishori Lal Thakur and Sh. Raj

Krishan also filed CWP Nos. 3131/2013 and 3194/2013, which were disposed of by this Court vide judgments dated 20.5.2013 and 22.5.2013 respectively. In fact, this Court directed the Principal Secretary Urban Development to the Government of Himachal Pradesh to decide the representations of all the effected parties, after affording adequate opportunity of hearing to them.

3. The Principal Secretary, Urban Development has now decided the representations of all the parties, vide impugned order dated 27.9.2013 (Annexure P-6).

4. Having heard learned counsel for the petitioner, we are of the considered view that no error can be found with the impugned order. Personal hearing stands afforded to all concerned.

5. Noticeably present petitioner, who hails from District Hamirpur has remained posted through out his service career in an around his home place/District. With effect from 2003 to 2005 he was posted at Naina Devi Ji and from 4.6.2010 up to 31.3.2012 he was posted at Nalagarh, which is just at a short distance from his place of permanent residence. On the other hand private respondent No. 3 Vijay Kumar, who also hails from Hamirpur has served at various places in District Shimla. Respondent No. 3, Vijay Kumar has not completed his normal tenure of posting and as such has not been disturbed. The decision to transfer out the petitioner and post him at Kangra cannot be said to be perverse and arbitrary. In fact transfer is effected in public interest, based on administrative exigency. As such, present petition devoid of merit is dismissed.

Pending application(s), if any, also stand dismissed.